

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Confirmation No.:

Yang, Arthur, et al

Group Art Unit: 1724

Appln. No.: 09/601,888

Examiner: Cintins, Ivar

Filed: August 9, 2000

Title: CHEMICALLY SURFACE MODIFIED GEL (CSMG) AND METHOD OF MAKING
AND OF USING SAME IN METAL REMOVAL FROM LIQUID SYSTEM

August 13, 2002

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REPLY TO RESTRICTION REQUIREMENT

Hon. Commissioner of Patents
Washington, D.C. 20231

RECEIVED

SEP 26 2002

Sir:

OFFICE OF PETITIONS

This is in response to the Office Action dated January 2, 2002.

REMARKS

There has been a requirement under 35 §§USC 121 and 372 for election between one of the following groups of claims:

I. Claims 1-8, 13-16, 18, 20 and 21; and

II. Claims 9-12, 17 and 19.

Applicants elect, with traverse, Group I, claims 1-8, 13-16, 18, 20 and 21.

Applicants respectfully disagree that the modified silica gel does not provide a contribution over the prior art as will become apparent by the patentability of the claims of Group I.

Matsui's process as disclosed in U.S. 5,380,510, (see, e.g., the Abstract, specification and claims), does not gel a silica sol to form a wet silica gel and maintain the wet silica gel at a temperature in the range of 40 ° to 80 °C to obtain a wet nanoporous silica gel having a plurality of open channels and then react a ligand group with surface silanol groups.

One skilled in the art reading the disclosure of Matsui (or any of the other references cited in the Office Action or in the International Search Report) would not be apprised of the steps according to the present invention or the resulting product or uses thereof. Therefore, the pending claims 1-21 do define a unitary invention and, therefore, the restriction requirement should be withdrawn.